

JOSEPH GIRARDI

JANUARY 29, 1951.—Ordered to be printed

Mr. McCARRAN, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 119]

The Committee on the Judiciary, to which was referred the bill (S. 119) for the relief of Joseph Girardi, having considered the same, reports favorably thereon with an amendment in the nature of a substitute and recommends that the bill, as amended, do pass.

AMENDMENT

Strike all after the enacting clause and insert in lieu thereof the following:

That for the purposes of the immigration and naturalization laws, Joseph Girardi shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee and head tax. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to grant the status of permanent residence in the United States to Joseph Girardi. The bill provides for an appropriate quota deduction and provision is made for the payment of the required visa fee and head tax.

STATEMENT OF FACTS

The beneficiary of the bill is a 26-year-old native and citizen of Hungary, who last entered the United States as a nonquota student

on August 26, 1949. He is attending classes at the University of Detroit, and is residing at the home of his uncle. He states that he is stateless and that he escaped from Hungary by hitchhiking across Germany and Belgium, finally reaching Venezuela on documents issued by the International Refugee Organization. His uncle has no children of his own and is able and willing to provide for him.

A letter dated September 8, 1950, to the chairman of the Senate Committee on the Judiciary from the Deputy Attorney General with reference to S. 3335, which was a bill introduced in the Eighty-first Congress for the relief of the same alien, reads as follows:

DEPARTMENT OF JUSTICE,
Washington, September 8, 1950.

Hon. PAT MCCARRAN,
*Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.*

MY DEAR SENATOR: This is in response to your request for the views of the Department of Justice relative to the bill (S. 3335) for the relief of Joseph Girardi, an alien.

The bill would direct the Attorney General to record the lawful admission for permanent residence of Joseph Girardi as of September 1949. It would also direct the Secretary of State to instruct the quota-control officer to deduct one number from the appropriate immigration quota.

The files of the Immigration and Naturalization Service of this Department disclose that Joseph Girardi is a native and citizen of Hungary, having been born in Budapest, Hungary, on September 4, 1924. Coming from Venezuela, he last entered the United States at the port of Miami, Fla., via airplane, on August 26, 1949, when he was temporarily admitted as a student under section 4 (e) of the Immigration Act of 1924 until April 16, 1950. He was recently enrolled in the University of Detroit for 17 semester hours, pursuing a course in journalism, and he resided in Detroit at the home of an uncle, by whom he was supported. Coming from Hungary, Mr. Girardi first entered this country at the port of New York on February 21, 1948, when he was admitted until March 6, 1948, in transit to Venezuela upon the posting of a \$500 transit bond. He was granted an extension of the transit privilege until March 21, 1948, and departed from the United States on that date at Miami, Fla. He was not granted an extension of his last temporary stay beyond April 16, 1950, since his travel document expired on June 16, 1950, which precluded him from complying with the requirement that he must be in possession of a travel document valid for his return abroad, or for his entry into some other foreign country, for at least 60 days beyond the period for which admittance or for which any extension is sought. Proceedings to enforce his departure from this country, however, were ordered held in abeyance pending consideration of this bill and H. R. 7972.

The files further reflect that the alien's mother is deceased, that his father resides in Budapest, Hungary, and that he has the equivalent of 2 years of college credit, earned at the University of Budapest. He claims to be stateless and to have escaped from Hungary by hitchhiking across Germany and Belgium, reaching Venezuela on documents issued by the International Refugee Organization in lieu of a passport. Investigation discloses that his record at the University of Detroit is good, that he is an above-average student, and that he is cooperative and well-liked by students and instructors. The uncle with whom he resides has no children of his own and has stated that he is able and willing to support him as long as he remains in the United States, or until his immigration status is adjusted so that he can support himself.

The quota of Hungary, to which the alien is chargeable, is oversubscribed and an immigration visa is not readily obtainable. The record fails, however, to present considerations sufficient to justify the enactment of special legislation granting him a preference over other aliens in Hungary and elsewhere, who are awaiting an opportunity to come to this country for permanent residence.

Accordingly, this Department is unable to recommend enactment of this measure.

Yours sincerely,
PEYTON FORD,
Deputy Attorney General.

Senator Homer Ferguson, the author of the bill, has submitted the following letters with reference to the case.

DETROIT, MICH., June 9, 1950.

Hon. HOMER FERGUSON,
United States Senate, Washington, D. C.

MY DEAR SENATOR FERGUSON: In reply to your letter of May 31, 1950, in regard to bill, S. 3335, which was so kindly introduced in my behalf, I hereby give you the information you requested.

Question No. 1.

After escaping from a Russian concentration camp, from Godollo, Hungary, to Brussels, Belgium, in 1946, with the help of the International Refugee Organization, I went to Caracas, Venezuela, as a temporary resident. My voyage was financed by one of my uncles. In August 1949, I received a student visa through the aid of my uncle, and came to Detroit, Mich., to enter the University of Detroit.

Question No. 2.

Just completed my first year at the University of Detroit very successfully, and registered as sophomore, majoring in political science.

Question No. 3.

Living with one of my three uncles, who are all American citizens, and who are helping me.

Question No. 4.

No.

Question No. 5.

No.

Sincerely,

JOSEPH GIRARDI.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., March 29, 1950.

Senator HOMER FERGUSON,
Senate Office Building, Washington, D. C.

DEAR SENATOR FERGUSON: Confirming my telephone conversation of today with yourself and Mr. Dompierre, I am forwarding herewith additional information which I believe will be helpful in introducing your bill for the relief of Joseph Girardi, 5561 West Outer Drive, Detroit 21, Mich.

Mr. Girardi's student visa expires on April 16, 1950, and he has filed application for extension of time. As his document in lieu of passport expires on June 16, 1950, he has forwarded it to the consul of Venezuela, 19 Rector Street, New York, N. Y., and applied for an extension thereof. The consulate general of Venezuela notified him that it would have to be done by request to the Ministry of Foreign Affairs and approval by the Minister of the Interior at Caracas, Venezuela. The document referred to is dedula de identidad No. 13065 and documento de viaje obtained from the Ministerior de Relaciones Interiores which expires June 16, 1950.

Mr. Bode, of Detroit, has forwarded me petitions signed by some 1,500 persons, mostly students at the University of Detroit, protesting "against the unwilling departure of Joseph Girardi from the United States."

I am enclosing herewith a clipping from the Detroit Times of March 17, 1950, by Jack Pickering relative to this case.

Mr. Girardi is taking a 4-year course in journalism at the University of Detroit and just started his second semester in February 1950.

Thank you for your assistance in this matter and, if there is anything I can do to be of service to you, please do not hesitate to call upon me.

It has previously been determined that the Displaced Persons Act is of no assistance to Mr. Girardi.

Very sincerely yours,

LOUIS C. RABAUT, M. C.

The bill has been amended to conform with the policy of the committee in granting permanent residence in the United States to an alien as of the date of the adjustment rather than as of the date of last entry into the United States.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 119), as amended, should be enacted.

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